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33 CFR Parts 175, 177, et al.

46 CFR Parts 2, 10, et al.

**Safety of Uninspected Passenger Vessels
Under the Passenger Vessel Safety Act of
1993 (PVSA); Final Rule**

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 175, 177, 179, 181, and 183

46 CFR Parts 2, 10, 15, 24, 25, 26, 30, 70, 90, 114, 169, 175, 188, and 199

[USCG-1999-5040]

RIN 2115-AF69

Safety of Uninspected Passenger Vessels Under the Passenger Vessel Safety Act of 1993 (PVSA)

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard establishes this final rule to implement safety measures for uninspected passenger vessels under the Passenger Vessel Safety Act of 1993 (PVSA). This Act authorizes the Coast Guard to amend operating and equipment guidelines for uninspected passenger vessels over 100 gross tons, carrying 12 or fewer passengers for hire. These regulations will implement this new class of uninspected passenger vessel, provide for the issuance of special permits to uninspected vessels participating in a Marine Event of National Significance (e.g., OPSAIL 2000 and Tall Ships 2000), and develop specific manning, structural fire protection, operating, and equipment requirements for a limited fleet of PVSA-exempted vessels.

DATES: This final rule is effective June 14, 2002.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-1999-5040 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Michael A. Jendrossek, Office of Operating and Environmental Standards (G-MSO-2), Coast Guard, telephone 202-267-0836. If you have questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-5149.

SUPPLEMENTARY INFORMATION:

Regulatory History

On March 2, 2000, we published a notice of proposed rulemaking (NPRM) entitled "Safety of Uninspected Passenger Vessels Under the Passenger Vessel Safety Act of 1993 (PVSA)" in the *Federal Register* (65 FR 11410). In order to prepare for the Year 2000's millennium sailing events, a 30-day comment period was provided for the changes proposed to 46 CFR 26.03-8, and an interim rule (IR) amending that section was published April 28, 2000 (65 FR 24878). Other changes proposed by the March 2, 2000 NPRM were subject to a 90-day comment period. We received six letters commenting on the proposed rule. No public hearing was requested and none was held.

Background and Purpose

We discussed the background and purpose of this rulemaking in fuller detail in the March 2, 2000 NPRM (65 FR 11410). Briefly, the Passenger Vessel Safety Act of 1993 (PVSA) (Pub. L. 103-206, title V, Dec. 20, 1993, 107 Stat. 2439) dealt with subjecting some formerly chartered vessels to Coast Guard inspection.

The PVSA also made several changes to the laws for vessels that carry passengers.

First, the PVSA required a vessel of less than 100 gross tons to be inspected as a small passenger vessel if it is—

- Carrying more than six passengers, including at least one passenger-for-hire;
- Chartered with crew provided or specified by the owner or owner's representative and carrying more than six passengers;
- Chartered with no crew provided or specified by the owner or the owner's representative and carrying more than 12 passengers; or
- A submersible vessel carrying at least one passenger-for-hire.

Second, the PVSA provided an exemption for certain vessels that were unable to meet inspection criteria. Sixteen vessels applied to the Coast Guard for exemptions, and four exemptions were granted. The PVSA authorized the Coast Guard to develop specific operating and equipment requirements for these vessels.

Third, the PVSA broadened the definition of uninspected passenger vessel to include vessels of at least 100 gross tons carrying not more than 12 passengers, including at least one passenger-for-hire; or vessels that are chartered with crew provided or specified by the owners or the owners' representatives and carrying not more than 12 passengers. These vessels are

commonly referred to as 12-pack vessels. Vessels of at least 100 gross tons that carry more than 12 passengers, at least one of whom is for hire, must be inspected as passenger vessels under Code of Federal Regulations (CFR) Title 46, chapter I, subchapter H.

Fourth, the PVSA directed the Coast Guard to develop regulations necessary to implement equipment, construction, and operating requirements for uninspected passenger vessels operating as 12-pack vessels.

Fifth, the PVSA authorized the Coast Guard to develop regulations to issue special permits to uninspected vessels, thus, broadening authority from the now standard excursion permit for inspected vessels to include special permits for uninspected vessels. Special permits may be issued to an uninspected passenger vessel for charitable purposes up to a maximum of four times in a 12-month period. Special permits may also be issued to the owner or operator of a vessel that is a registered participant in an event that the Commandant, U.S. Coast Guard, declares to be a Marine Event of National Significance.

Discussion of Comments and Changes

The March 2, 2000 NPRM details the specific changes made by this rulemaking. We received six letters in response to the NPRM (excluding those relating to 46 CFR 26.03-8, which were discussed in the interim rule published April 28, 2000, at 65 FR 24878). The discussion below is limited to a review of those public comments, along with our response to each, and a discussion of the specific changes now being made in addition to or instead of changes proposed in the NPRM.

(1) One comment stated that we should establish a user fee for the issuance of excursion permits per 46 U.S.C. 2110. We already collect inspection-service user fees from inspected passenger vessels and do not have the authority to establish a new user fee category.

(2) One comment stated that we failed to account for the full costs of equipping the 406 MHz EPIRB, including battery replacement and additional "false alert" responses due to the additional units in service. EPIRB battery replacement costs were included in the Analysis Documentation, Appendix 6, supporting the March 2, 2000 NPRM (This documentation is available in the docket for this rulemaking at <http://dms.dot.gov>). We do not agree that there is any tangible false alert cost associated with additional EPIRBs. Satellite EPIRBs are required to be registered. In addition, their digital message includes beacon identification.

With this information, the signaling EPIRB can quickly identify the distressed vessel and its owner. A radio or telephone call will normally confirm a false alarm. If an EPIRB on a docked, unattended vessel malfunctions, the COSPAS-SARSAT satellite system makes locating it relatively simple. False alerts from interference sources are not a problem on the 406 MHz satellite frequency, as they were with the old 121.5 MHz frequency. The false alert rate from 406 MHz satellite EPIRBs is low, and any added load created by this rulemaking can be handled without additional resources.

(3) Two comments state that we lack authority to modify the clear provisions of 46 U.S.C. 8102 and 46 U.S.C. 8104, regarding cabin watchmen and watch standing. Section 511 of the PVSA gives us the necessary authority to establish different operating and equipment requirements for uninspected passenger vessels over 100 gross tons carrying 12 or fewer passengers.

(4) One comment says we should clarify the provisions of proposed 46 CFR 26.03-6(b)(2) regarding the deduction of vessel operating expenses from "charitable donations" prior to their disbursement. We do not have the authority to allow any retention of these proceeds. The Internal Revenue Service (IRS) should be consulted regarding any tax relief that may be available. If such vessel operating expenses are allowed by the IRS as tax deductions, the Coast Guard will not view this as a consideration when determining whether a vessel is carrying passengers for hire.

(5) One comment asks why the requirement for signaling lights is limited to vessels on an international voyage when chapter V of SOLAS is not so limited. Our proposed requirement reflects the wording of SOLAS Chapter V, regulation 11, which does include such a limitation.

(6) One comment stresses the importance of getting disaster survivors out of the water as quickly as possible, and asks us to delete buoyant apparatuses and life floats from proposed 46 CFR 25.25-17. We agree and will make this change. We believe that because these vessels are uninspected and for the most part capable of extended ocean voyages, a higher level of safety equipment is required.

(7) One comment suggests we add a basic definition and clarifying language for bareboat charters. The comment states that this is necessary to help alleviate confusion over the types of arrangements made in contracting a vessel and its manner of use. We agree

with this comment and will add the definition of demise charter to 46 CFR 169.107.

(8) One comment expresses concern that the change to 46 CFR 15.905 would inadvertently penalize a large segment of licensed mariners by restricting them to the tonnage limit of their license (e.g., a master of inspected vessels up to 50 gross tons would be limited to operating a 50 gross ton uninspected passenger vessel). We agree with this comment and will incorporate clarifying language into 46 CFR 15.905.

(9) One comment suggests we are perpetuating the carrying of passengers on uninspected barges that were designed solely for the carriage of bulk cargoes or for use as work platforms. We have investigated past allegations of uninspected barges carrying passengers and found that these operations were purely voluntary. No consideration flowed to the operators involved. Vessel operations of this type are not regulated by the Coast Guard as commercial operations and, therefore, are not subject to the requirements of the PVSA. We are committed to ensuring that all vessels that carry passengers comply with the laws and regulations that apply to their specific operations.

(10) One comment expresses concern that 12-pack vessels will be required to comply with load line requirements, where applicable. Noting the expense and burden of compliance, the comment asks us to establish alternative criteria to make load line assignment less difficult and more cost effective. We disagree with this comment. As stated in the NPRM, the load line is a safety device that verifies, through annual surveys, a vessel's seaworthiness. This is an important factor for 12 pack vessels that are capable of trans-oceanic intercontinental voyages.

(11) One comment questions the application of 46 CFR, part 175 to vessels operating under an exemption afforded in the PVSA. The comment states that an exempt vessel presently operates under the scrutiny of the Coast Guard and, therefore, has an existing Certificate of Inspection (COI) reflecting its seaworthiness. We are adding 46 CFR 175.118 so that the provisions of 46 CFR, chapter I, subchapter T apply to PVSA-exempt vessels. This is necessary because these vessels, all of which are over 100 gross tons, currently are not capable of meeting the more stringent requirements of 46 CFR, chapter I, subchapter H.

(12) One comment asks if the regulation for special permits for charitable fundraising activities applies to a non-profit organization that owns its own vessel. That regulation applies

to any vessel owner/operator, including a non-profit organization.

(13) One comment asks how we can enforce the requirement for a voyage plan if a plan is transmitted verbally from the vessel to the berthing location or managing representative. Under 46 CFR 26.03-9, the required information must be provided on request, making it prudent for responsible persons to record the information to ensure its availability if needed.

(14) Although not prompted by public comment, we have revised several other proposed changes made in the NPRM. These nonsubstantive revisions are explained below:

- In § 10.466, Requirements for licenses as apprentice mate (steersman) of towing vessels, we revised this section in order to upgrade licensing requirements. In an action unrelated to this rulemaking, § 10.466 was redesignated § 10.467 after we published the NPRM. We have decided to change the section heading of new § 10.467 by adding the phrase "of less than 100 gross tons." However, we will make no other changes to that section. Instead, the upgrade in licensing requirements originally proposed for old § 10.466/new § 10.467 now is made in 46 CFR 15.605, using slightly different but substantively unchanged language.

- In § 15.301, Definitions of terms used in this part, we added the definition of "operate, operating, or operation" for clarity.

- In § 24.10-1, we rewrote the definition of "international voyage" (which was previously located at § 24.10-13) to match the definition of that term in 46 CFR 175.400.

- In § 70.10-1, we rewrote the definition of "vessel" (which was previously located at § 70.10-45) for clarity.

- In § 169.107, Definitions, we reformatted the section and rewrote the definition of "sailing instruction" to conform to the reformatting.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

A final Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is available in

the docket as indicated under **ADDRESSES.**

A summary of the Regulatory Evaluation follows: Each vessel greater than 100 gross tons, which is currently operating as an uninspected passenger vessel and carries 12 or fewer passengers, has to obtain: (1) An Emergency Position Indicating Radio Beacon (EPIRB), (2) enough survival craft for all persons onboard, and (3) an operator with the appropriate master-level license. The Coast Guard estimates that all vessels operating in this type of trade are already in compliance with the proposed survival craft and licensing requirements; however, they are not in compliance with the EPIRB requirement. The use of EPIRBs will allow the Coast Guard to respond quicker to incidents by providing the location of the casualty and additional, relevant information prior to the arrival of the rescue team. The 10-year (2001 to 2010) present value cost of complying with the EPIRB requirement is estimated to be \$100,121.

This rulemaking creates a class of vessel (i.e., 12 pack) not previously in existence. If no vessel owner decides to enter this new class of vessel, the cost of this component of the rulemaking would be \$0, as it is not a requirement for any existing vessel to enter this class. However, the Coast Guard estimates that the owners of 570 vessels will choose to enter this class of vessel. The 10-year present value cost of this non-mandatory component is \$12,882,008. The Coast Guard considers the cost to be non-mandatory because owners are not required to enter this new class of vessel.

Additionally, this rule affects uninspected passenger vessels participating in Marine Events of National Significance. The Coast Guard will inspect the vessels not possessing the appropriate certification and issue special permits that allow these vessels to carry passengers during the event. Vessel owners will have an information request burden as they must apply for permits. The 10-year, present value cost of this information collection request is \$2,064. As participation in these events is not a requirement of the rulemaking, these costs are considered non-mandatory. The intent of this requirement is to provide a safer marine environment at Marine Events of National Significance. While there have been no notable problems at such past events, the Coast Guard is acting proactively to reduce the risk of marine casualties.

In summary, the total cost of this rulemaking is attributed to the requirement to install and maintain

EPIRBs on vessels. The 10-year present value cost of this requirement is \$100,121.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. No comments were received to our previous certification in the NPRM regarding the regulatory flexibility impact.

The only type of small entity that will be affected by this rulemaking is small business. The size standards for the relevant North American Industry Classification System (NAICS) codes (Deep Sea Passenger Transportation, 483112; Coastal and Great Lakes Passenger Transportation, 483114; Inland Water Passenger Transportation, 483212; and Scenic and Sightseeing Transportation, Water, 48721) consider enterprises with 500 or fewer employees to be small businesses, making practically all owners in the 12-pack industry small entities. However, the only mandatory cost in this rulemaking is the cost of an EPIRB. We do not expect that owners of vessels of this size and type, whose annual revenue ranges from about \$100 thousand to about \$5 million, will consider an additional cost of \$1,000 per EPIRB to be significant. In addition, since the useful life of an EPIRB is indefinite, the annualized cost for this item over the 10-year period of analysis is \$110, which is furthermore likely to be insignificant. The rule also has a 6-month phase-in period for owners to comply with the carriage of an EPIRB onboard.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture

Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). As required in 46 CFR 26.03-8, an owner, operator, or agent of a vessel that is registered as a participant in a Marine Event of National Significance may submit an application for special permit (form CG-950A) to carry passengers-for-hire for the duration of the event. The application will be used to initiate the inspection process to determine whether a vessel is properly equipped to be granted the special permit.

No comments were received regarding the collection of information burden.

This rule amends an existing Office of Management and Budget (OMB) approved collection, OMB Control Number 2115-0133, that expires on April 30, 2003. As required by 44 U.S.C. 3507(d), we submitted a copy of this rule to the Office of Management and Budget (OMB) for its review of the collection of information. OMB has not yet approved the changes to this collection. We will publish an additional notice when they do. Until we publish its approval, you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Federalism

A rule has implications for federalism under Executive Order 13132. Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them.

We have analyzed this rule and have determined that it does not have federalism implications under that Order because it regulates with respect to categories, (construction, equipment and operation of certain uninspected passenger vessels) in such a comprehensive manner, that State laws or regulations on the same subjects are precluded. Any such state laws or regulations would necessarily either conflict with, or frustrate the purpose of this rule. See, *Ray v. Atlantic Richfield Co.* 435 U.S. 151 (1978); and *United States and Intertanko v. Locke*, 529 U.S. 89 (2000).

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure of \$100 million or more in any one year by a State, local, or tribal government, in the aggregate, or by the private sector. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it

does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2-1, paragraph (34)(c), (d), and (e) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. This rule will not result in any significant cumulative impact on the human environment; any substantial controversy or substantial change to existing environmental conditions; any impact, which is more than minimal, on properties protected under 4(f) of the DOT Act, as superseded by Public Law 97-449 and Section 106 of the National Historic Preservation Act; or any inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 175

Marine safety.

33 CFR Part 177

Marine safety.

33 CFR Part 179

Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 181

Labeling, Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 183

Marine safety.

46 CFR Part 2

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 10

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

46 CFR Part 24

Marine safety.

46 CFR Part 25

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 26

Marine safety, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 70

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 90

Cargo vessels, Marine safety.

46 CFR Part 114

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 169

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Vessels.

46 CFR Part 175

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 188

Marine safety, Oceanographic research vessels.

46 CFR Part 199

Cargo vessels, Marine safety, Oil and gas exploration, Passenger vessels, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 175, 177, 179, 181, and 183 as well as 46 CFR parts 2, 10, 15, 24, 25, 26, 30, 70, 90, 114, 169, 175, 188, and 199 as follows:

33 CFR Chapter I**PART 175—EQUIPMENT REQUIREMENTS**

1. The authority citation for part 175 is revised to read as follows:

Authority: 46 U.S.C. 4302; Pub. L. 103-206, 107 Stat. 2439; 49 CFR 1.46.

2. In § 175.3, revise the definition of the following terms, in alphabetical order, to read as follows:

§ 175.3 Definitions.

* * * * *

Boat means any vessel—

(1) Manufactured or used primarily for noncommercial use;

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Operated as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C.

Passenger means an individual carried on a vessel except—

(1) The owner or an individual representative of the owner or, in the case of a vessel chartered without a crew, an individual charterer, or an individual representative of the charterer;

(2) The master or operator of a recreational vessel; or

(3) A member of the crew engaged in the business of the vessel, who has not contributed consideration for carriage, and who is paid for onboard services.

Recreational vessel means any vessel being manufactured or operated primarily for pleasure, or leased, rented, or chartered to another for the latter's pleasure. It does not include a vessel engaged in the carriage of passengers-for-hire as defined in 46 CFR chapter I, subchapter C, or in other subchapters of this title.

3. Revise § 175.110(a) to read as follows:

§ 175.110 Visual distress signals required.

(a) No person may use a boat 16 feet or more in length, or any boat operating as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C, unless visual distress signals selected from the list in § 175.130 or the alternatives in § 175.135, in the number required, are onboard. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use, must be carried.

PART 177—CORRECTION OF ESPECIALLY HAZARDOUS CONDITIONS

4. The authority citation for part 177 is revised to read as follows:

Authority: 46 U.S.C. 4302, 4311; Pub. L. 103-206, 107 Stat. 2439; 49 CFR 1.45 and 1.46.

5. Revise § 177.03(b) to read as follows:

§ 177.03 Definitions.

* * * * *

(b) *Boat* means any vessel—

(1) Manufactured or used primarily for noncommercial use;

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Operated as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C.

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PART 179—DEFECT NOTIFICATION

6. The authority citation for part 179 is revised to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 4302, 4307, 4310, and 4311; Pub. L. 103-206, 107 Stat. 2439; 49 CFR 1.46.

7. In § 179.03, revise the definition of the term "Boat" to read as follows:

§ 179.03 Definitions.

* * * * *

Boat means any vessel—

(1) Manufactured or used primarily for noncommercial use;

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Operated as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C.

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PART 181—MANUFACTURER REQUIREMENTS

8. The authority citation for part 181 is revised to read as follows:

Authority: 46 U.S.C. 4302 and 4310; Pub. L. 103-206, 107 Stat. 2439; 49 CFR 1.46.

9. In § 181.3, revise the definition of the term "Boat" to read as follows:

§ 181.3 Definitions.

* * * * *

Boat means any vessel—

(1) Manufactured or used primarily for noncommercial use;

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Operated as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C.

* * * * *

PART 183—BOATS AND ASSOCIATED EQUIPMENT

10. The authority citation for part 183 is revised to read as follows:

Authority: 46 U.S.C. 4302; Pub. L. 103-206, 107 Stat. 2439; 49 CFR 1.46.

11. In § 183.3, revise the definition of the term "Boat" to read as follows:

§ 183.3 Definitions.

* * * * *

Boat means any vessel—

(1) Manufactured or used primarily for noncommercial use;

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Operated as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C.

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46 CFR Chapter I

PART 2—VESSEL INSPECTIONS

12. The authority citation for part 2 is revised to read as follows:

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 3103, 3205, 3306, 3307, 3703; Pub. L. 103-206, 107 Stat. 2439; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46; subpart 2.45 also issued under the authority of Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. note prec. 1).

13. In § 2.01-7(a), redesignate table 2.01-7(A) as table 2.01-7(a) and revise it to read as follows:

§ 2.01-7 Classes of vessels (including motorboats) examined or inspected and certificated.

(a) * * *

BILLING CODE 4910-15-P